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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

March 24, 2015

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday March 24, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Karen Wilk, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Excused
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT and Brian Mason, representative of the American Physical Therapy Association - New Jersey Chapter and Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF FEBRUARY 24, 2015 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the February 24, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Election of Officers for 2015

Lisa Tadeo, Executive Director, took the chair to conduct the election of Board Officers for 2015.

Mrs. Tadeo called for nominations for Chairperson and a motion was made by Cindy Moore and seconded by Nancy Kirsch to nominate Karen Wilk for Chairperson of the Board for 2015. Mrs. Tadeo called for further nominations and a motion was made by Jean Bickal and seconded by Mary Browne to nominate Beth Sarfaty. Mrs. Tadeo called for further nominations and there were none. Barbara Behrens made a motion, seconded by Nancy Kirsch to close the nominations. A vote was taken and Cindy Moore and Barbara J. Behrens voted for Karen Wilk (2 votes for Karen Wilk). Mary Browne, Karen Wilk, Nancy Kirsch and Jean Bickal voted for Beth Sarfaty (4 votes for Beth Sarfaty). Beth Sarfaty was elected Chairperson of the Board by a majority vote.

Mrs. Tadeo called for nominations for Vice Chairperson and a motion was made by Mary Browne and seconded by Jean Bickal to nominate Barbara J. Behrens for Vice Chairperson of the Board for 2015. Mrs. Tadeo called for further nominations and a motion was made by Nancy Kirsch and seconded by Beth Sarfaty to nominate Cindy Moore. Mrs. Tadeo called for further nominations and there were none. Karen Wilk then made a motion, seconded by Jean Bickal to close the nominations. A vote was taken and Karen Wilk, Mary Browne and Barbara J. Behrens voted for Barbara J. Behrens (3 votes for Barbara J. Behrens). Jean Bickal, Beth Sarfaty, Nancy Kirsch and Cindy Moore voted for Cindy Moore (4 votes for Cindy Moore). Cindy Moore was elected Vice Chairperson of the Board by a majority vote.

Mrs. Tadeo called for nominations for Secretary and a motion was made by Nancy Kirsch and seconded by Beth Sarfaty to nominate David Bertone for Secretary of the Board for 2015. Mrs. Tadeo called for further nominations and there were none. Barbara J. Behrens then made a motion, seconded by Jean Bickal to close the nominations and elect David Bertone Secretary of the Board by acclamation. The vote of the Board was unanimous.

B. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 76 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Three courses were denied, as they did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et. seq. A vote was taken and the motion carried by a unanimous vote.

C. 10:00 A.M. Presentation by Robert Campanelli, Ethics Officer of the Division of Consumer Affairs

The Board attended an ethics presentation which was presented by Robert Campanelli, Ethics Officer of the Division of Consumer Affairs.

**D. Letter from Summit Professional Education
RE: Course, "Preschoolers and Autism"
- Lecturer**

Randy Tatel advised the Board that the approved course, "Preschoolers and Autism" will be given with a new course lecturer. Mr. Tatel provided the Board with a copy of Shanon Gibson's Curriculum Vitae for its review.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to acknowledge that the qualifications of Shanon Gibson as lecturer for the course, "Preschoolers and Autism" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Renata Pac, PT
RE: Continuing Education Course

Ms. Pac informed the Board that she attended the Graston Technique M1 training course and noted that the course was denied approval. Ms. Pac asked the Board to reconsider approving this course.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Ms. Pac that the Board requested additional information from the course sponsor the Board has not received the information from the sponsor. The Board will reconsider this course if the sponsor provides the requested information. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from the Institute for Continuing Education
RE: Course, "Ethics and Recordkeeping"

Institute for Continuing Education's course, "Ethics and Recordkeeping" was approved for 2 credits. Heidi Calcagno provided the Board with an amended course outline and asked the Board to consider approving this course for 4 credits.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to inform Ms. Calcagno that the Board did not approve the course, "Ethics and Recordkeeping" for 4 credits. The Board will advise Ms. Calcagno that the Institute for Continuing Education must submit this amended course as a new application. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Jonathan Herting, PT
RE: Dry Needling

Mr. Herting inquired about dry needling.

A motion was made by Jean Bickal and seconded by Karen Wilk to inform Mr. Herting that the New Jersey State Board of Physical Therapy Examiners statutes and regulations do not preclude the use of dry needling techniques for trigger point release by a physical therapist provided the physical therapist is trained and competent in the techniques. The Board of Physical Therapy Examiners does not consider dry needling the practice of acupuncture. The New Jersey Acupuncture Examining Board considers trigger point dry needling by a New Jersey physical therapist to be the unlicensed practice of acupuncture. The unlicensed practice of acupuncture is now a crime of the third degree pursuant to N.J.S.A. 45:2C:21-20.1.

The Division of Consumer Affairs is aware of the views of the New Jersey State Board of Physical Therapy Examiners and the New Jersey Acupuncture Examining Board. The New Jersey State Board of Physical Therapy Examiners is waiting for guidance from the Division of Consumer Affairs concerning this matter.

This matter is still pending with the Division of Consumer Affairs. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from University of Western States
RE: Course, "FAKTR"

Cathy Evans wrote the Board concerning its denial of the course, "FAKTR" as the course submission did not include at least five references from peer reviewed journals published within the past five years. Ms. Evans provided the information for the Board to review.

A motion was made by Mary Browne and seconded by Jean Bickal to approve the course, "FAKTR" as it now meets the requirements set forth in N.J.A.C. 13:39A-9 et seq. The Board will request that University of Western States provide the participants with an updated reference list. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from Rocktape
RE: Course, "Performance Movement Techniques"
- Lecturer

Jody Sinwald advised the Board that the approved course, "Performance Movement Techniques" will be given with a new course lecturer. Ms. Sinwald provided the Board with a copy of Stuart Wilson's Curriculum Vitae for its review.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to acknowledge that the qualifications of Stuart Wilson as lecturer for the course, "Performance Movement Techniques" were supported by his Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- J. Election of Delegate and Alternate Delegate to attend the
Federation of State Boards of Physical Therapy
Annual Meeting (October 15-17, 2015)

A motion was made by Nancy Kirsch and seconded by Jean Bickal to elect Karen Wilk as Delegate, Mary Browne as Alternate Delegate and Barbara J. Behrens as second Alternate Delegate to attend the Federation of State Boards of Physical Therapy Annual meeting held on October 15-17, 2015. A vote was taken and the motion carried by a unanimous vote.

- K. Accommodation Request from Pamela Mehes, PTA
RE: Jurisprudence Assessment Module

Mary Browne, PT, recused herself and did not participate in the discussion.

Ms. Mehes asked the Board to grant her special accommodations during the Jurisprudence Assessment Module. Ms. Mehes requested additional time.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to deny Ms. Mehes additional time during the New Jersey Jurisprudence Assessment Module based on the documentation provided. A vote was taken and the motion carried by a unanimous vote.

I. Letter from Shari Jacob
RE: Test of English as a Foreign Language

Ms. Jacob asked the Board if it would waive the Test of English as a Foreign Language (TOEFL) exam as she lived in the State of New Jersey since she was two years of age. Ms. Jacob informed the Board that she attended a University in India after she graduated high school in the United States.

Ms. Jacob received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Ms. Jacob's waiver request. Ms. Jacob must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

J. Letter from Magdalena Bochenska
RE: Test of English as a Foreign Language

Ms. Bochenska asked the Board if it would waive the Test of English as a Foreign Language (TOEFL) exam as she is licensed and practicing in the State of New York.

Ms. Bochenska received her physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that he or she took and passed all sections of the TOEFL.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to deny Ms. Jacob's waiver request. Ms. Bochenska must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

III. OLD BUSINESS

A. Letter from Shawn Mollin, PT
RE: Telemedicine

Mr. Mollin previously wrote the Board to inquire about the feasibility of practicing physical therapy via telemedicine. He indicated that he would like to develop software that would allow a therapist to teach self-management principles to patients via telemedicine. The Board advised Mr. Mollin that practicing physical therapy via telemedicine is not permitted by the statutes and regulations governing the practice of physical therapy in New Jersey.

Mr. Mollin asked the Board to reconsider telemedicine and provided a link to a document "Telehealth in Physical Therapy: Policy Recommendations for Appropriate Regulation" that has been prepared by the Federation of State Boards of Physical Therapy.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to inform Mr. Mollin that N.J.S.A. 45:9-37.13 and N.J.A.C. 13:39-2.1 requires an examination, evaluation and diagnosis as well as therapeutic intervention. There must be rendering of care in conjunction with education, therefore, telemedicine is not permitted. A vote was taken and the motion carried by a unanimous vote.

IV. FOR YOUR INFORMATION

- A. Letter from Professional Boundaries, Inc.
RE: Remedial Education Courses

The Board reviewed the letter from Professional Boundaries, Inc. and considered it informational.

- B. Federation of State Boards of Physical Therapy
Comment Summary and Candidate Satisfactory Survey Report

The Board reviewed the National Physical Therapy Examination Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

- C. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed New Jersey Jurisprudence Assessment Module Statistic report and considered it informational.

- D. Response from Philip Pesce, PT
RE: Uniform Penalty letter

The Board considered the Uniform Penalty letter dated February 27, 2015 in the matter of Philip Pesce, PT, informational.

Upon a motion made by Nancy Kirsch and seconded by Barbara J. Behrens, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Two matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Anar Kapadia
2. Aine Masterson

3. Prachi Kapadia
4. Pooja Jainish Vashi
5. Chaitanya Godishala

APPLICATIONS NOT APPROVED BY THE BOARD

1. Donna Butiu
2. Karan Sharma
3. Mirnalini Vimal Nathan
4. Charissa Mae Francisco
5. Kris DeLos Trinos
6. Swati Juneja

ADJOURNMENT

The Board returned to Public Session and a motion was made by Karen Wilk and seconded by Jean Bickal to adjourn the meeting at 1:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director